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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,123	06/22/2001	Valentino Campagnolo	Q65114	4998
3624	7590	06/02/2004	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			MCANULTY, TIMOTHY P	
		ART UNIT	PAPER NUMBER	
		3682		

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/886,123	CAMPAGNOLO, VALENTINO	
	Examiner Timothy P McAnulty	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 19 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,2 and 7-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,2 and 26 is/are allowed.
- 6) Claim(s) 7-25 and 27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### *Specification*

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the inset as claimed in claims 7-19.

### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 27 is rejected under 35 U.S.C. 102(b) as anticipated by US Patent No. 5,522,282 to Nagano (Nagano '282).

Nagano '282 discloses in figures 9-18, a pedal having a device for coupling to a cleat fastened to a shoe, said cleat comprising a front end; a rear end; an upper cam surface; a base; and chamfered lower surface, said device comprising a front element for receiving the front end of said cleat; a rear fastening element for engaging the rear of said cleat having a biasing element; a body surface connecting said front element and said rear fastening element along a longitudinal direction of said pedal; stop means 20a; and cam means 20d located on said body surface which oppose a releasing rotation of said cleat and which lift a side of said cleat when said cleat is moved away from a center of said pedal; wherein said stop means projects substantially perpendicular to the pedal.

### *Claim Rejections - 35 USC § 103*

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 7-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,522,282 to Nagano (Nagano '282) in view of US Patent No. 5,852,956 to Chen (Chen '956).

Nagano '282 discloses in figures 9-18, a pedal having a device for coupling to a cleat fastened to a shoe, said cleat comprising a front end; a rear end; an upper cam surface; a base; and chamfered lower surface, said device comprising a front element for receiving the front end of said cleat; a rear fastening element for engaging the rear of said cleat having a biasing element; a body surface connecting said front element and said rear fastening element along a longitudinal direction of said pedal; stop means 20a; and cam means 20d located on a base plate attached to a base surface which oppose a releasing rotation of said cleat and which lift a side of said cleat when said cleat is moved away from a center of said pedal. Nagano '282 additionally discloses in lines 23-32 of column 11 that only one cam surface may be provided on said body surface and in lines 32-38 that the stop means may be provided rearwardly of the pedal body surface.

Nagano '282 does not disclose said base plate fitting within an inset located on said base surface. However, Chen '956 teaches in figures 1 and 2 teaches a pedal comprising, inter alia, a base plate 22 connected to a pedal body wherein said base plate is fit within an inset. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Nagano '282 in view of the teachings of Chen '956 to mount said base plate in an inset so as to better secure said base plate to said base surface by providing additional axial support especially against twisting shoe release torque.

6. Claims 20-25 are rejected under 35 U.S.C. 103(a) as obvious over US Patent No. 5,522,282 to Nagano (Nagano '282).

Nagano '282 discloses in figures 9-18, a pedal having a device for coupling to a cleat fastened to a shoe, said cleat comprising a front end; a rear end; an upper cam surface; a base; and chamfered lower surface, said device comprising a front element for receiving the front end of said cleat; a rear fastening element for engaging the rear of said cleat having a biasing element; a body surface connecting said front element and said rear fastening element along a longitudinal direction of said pedal; stop means 20a; and cam means 20d located on said body surface which oppose a releasing rotation of said cleat and which lift a side of said cleat when said cleat is moved away from a center of said pedal. Nagano '282 does not specifically disclose said stop and cam means having a thickness greater than a thickness of said body surface. However, it would have an obvious matter of engineering design choice to increase the thickness of the stop and cam means, since such a modification would have involved a mere change in the size of a component to increase strength. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

***Allowable Subject Matter***

7. Claims 1,2 and 26 are allowed.

Regarding claims 1 and 2, the prior art does not disclose or teach said stop means having a stop surface being perpendicular to both the surface of the base plate and to an axis of the pedal.

Regarding claim 26, the prior art does not disclose or teach said base plate being U-shaped.

***Response to Arguments***

8. Applicant's arguments filed 19 February 204 have been fully considered but they are not persuasive. Regarding claims 7-19, although Nagano '282 does not disclose the base plate fit

into an inset, Chen '956 teaches such a structure. Regarding claim 27, the stop is merely limited to project substantially perpendicular to the pedal and not an axis of the pedal. As such, the stop of Nagano '282 does so project from the surface of the pedal, i.e., the surface of the base plate.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tpm 

  
5/25/04  
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